

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

BAD RIVER BAND OF THE LAKE  
SUPERIOR TRIBE OF CHIPPEWA  
INDIANS OF THE BAD RIVER  
RESERVATION,

*Plaintiff,*

v.

ENBRIDGE ENERGY COMPANY, INC.,  
and ENBRIDGE ENERGY, L.P.,

*Defendants.*

ENBRIDGE ENERGY COMPANY, INC.,  
and ENBRIDGE ENERGY, L.P.,

*Counter-Plaintiffs,*

v.

BAD RIVER BAND OF THE LAKE  
SUPERIOR TRIBE OF CHIPPEWA  
INDIANS OF THE BAD RIVER  
RESERVATION and NAOMI TILLISON,  
in her official capacity,

*Counter-Defendants.*

Case No. 3:19-cv-00602-wmc

Judge William M. Conley  
Magistrate Judge Stephen L. Crocker

**DECLARATION OF NAOMI TILLISON**

I, Naomi Tillison, declare the following on the basis of personal knowledge to which I am competent to testify:

1. I have served as the Director of the Mashkiiziibii Natural Resources Department of the Bad River Band of the Lake Superior Tribe of Chippewa Indians (“MNRD”) since December 2016. I hold a Master of Science degree in Environmental Engineering (2005) and a Bachelor of Science degree in Environmental Engineering (2002), both of which I received from Michigan Technological University.
2. In my role as MNRD Director, I am responsible for MNRD’s review of applications for permits required under the Clean Water Act and the implementation of Band’s environmental laws, as well as for MNRD’s review of associated applications for permits to access the Reservation, including as they relate to Enbridge. I am also responsible for communicating with Enbridge in connection with such projects and access.
3. In my role as MNRD Director, I have been involved in extensive discussions between Enbridge and the Band concerning the potential installation of an Emergency Flow Restriction Device (“EFRD”) on the Reservation. The specific contents of those discussions are protected by a confidentiality agreement. Those discussions have now resulted in a pre-filing meeting between Enbridge and the Band under Section 401(a)(1) of the Clean Water Act and an associated application by Enbridge to install a valve on the Reservation to reduce the maximum amount of oil that could be released from a rupture of Line 5 at the Bad River. MNRD is reviewing Enbridge’s application and has had further discussions with Enbridge to gather additional information as part of its review. MNRD has also worked with Enbridge to coordinate recent surveys, inspections, and vegetation clearing along the right of way and at a potential valve site to facilitate Enbridge’s proposed installation of that valve in August or September of this year.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 9, 2023

/s/ Naomi Tillison

Naomi Tillison

Director, Mashkiiziibii Natural Resources  
Department of the Bad River Band of the Lake  
Superior Tribe of Chippewa Indians